

**REMARKS**

Claims 12-22 were previously pending in the application. By the Amendment, Claims 12, 13, 14, 16, 17, 19 and 21 are currently amended, Claims 15 and 22 are canceled without prejudice, new Claim 23 has been added, and Claims 18 and 20 remain unchanged.

Applicant gratefully acknowledges the Examiner's granting an interview with the Applicant's representative on December 10, 2008. During the interview, no agreement was reached as to the patentability of the claims. The Applicant's representative discussed amendments to Claim 12 to render the claim compliant with 35 USC §101 and 35 USC §112, second paragraph. The Applicant will amend Claim 19 for clarity. Such was the Applicant's intent at the time of the interview. Claim 19 has now been cancelled.

The disclosure is under objection due to informalities that include reference to specific claims therein. The Applicant has amended the specification to remove all claim references and it is respectfully requested that the objection to the specification should be withdrawn.

Claims 12-20 stand rejected under 35 USC §101 because the claims are asserted to be directed to non-statutory subject matter. Further, Claims 12-22 stand rejected under 35 USC §112, second paragraph as being assertedly indefinite. With respect to Claims 12-20 and with regard to both the §101 and §112 rejections, and as discussed during the interview, the Applicant has rewritten independent Claim 12 and independent Claim 21 in a matter consistent with United States method claims and apparatus claims respectively. Applicant believes that the present amendment results in claims that are definite and recite

statutory subject matter. Therefore, it is respectfully requested that the outstanding rejection under §101 and §112 be withdrawn.

The Official Action also indicates that Claim 19 is indefinite. During the interview, it was also noted that Claim 19 would be amended for clarity, which is accomplished by the present amendment.

The Official Action also notes that Claim 21 recites "means for recognizing a switching on of the domestic cleaning appliance" and therefore includes a mean-plus-function claim limitation that invokes 35 USC §112, sixth paragraph. The Official Action also asserts that the written description fails to disclose the corresponding structure, material or acts for the claimed function. More specifically, it is asserted that the disclosure does not define how the program to control device has recognized that the cleaning appliance has been turned on (Official Action, p. 5, ¶ 12). While the applicant has amended Claim 21 to remove reference to any means-plus-function, it should be noted that there is ample support in the specification for the structure for recognizing when an initial switched on condition exists.

The program control device is configured so that the respectively last completed executed washing machine program, for example, implementation of the appliance testing after manufacture is noted in a rewriteable non-volatile memory device ("last program"). After the washing machine has been switched on, which is recognized by the program control device (for example, by so-called "power on" detection), the program control device checks the memory entry "last program". Only when switching on for the first time does the program control device recognize the entry "appliance testing after manufacturing" as "last program" and then brings about a prompt, for example, on the display of the control panel "please carry out self cleaning of the washing machine. In order to

begin the program, press start otherwise interrupt" (p.5, lines 8-18). Further, the self-cleaning program can be initiated by user. In order that self cleaning can also be selected independently, the first putting into operation on the washing machine by the user, self cleaning is offered as a further program or special program in the prescribed programs of the washing machine. (p. 5, lines 31-33). Therefore, it can be seen that there is ample support in the specification for the program control device being able to recognize when an initial startup condition exists, with the condition being either the last program after appliance testing after manufacture or as set by the user. It is therefore respectfully asserted that Claim 21 is definite and the rejection under 35 USC §112 should be withdrawn. Claim 22 has been canceled.

Substantively, Claims 21 and 22 stand rejected under the cited prior art of record, while Claims 12-20 have not been examined in light of any art. More specifically, Claims 21 and 22 were rejected under 35 USC §103(a) as being unpatentable over German Patent No. DE 19742282 to Remmert (Remmert '282) in view of US Patent Application Publication No. 2002/0078511 to Blair et al. (Blair '511).

Independent Claim 12 recites a method for controlling a program-controlled water-bearing domestic cleaning appliance including the steps of:

- providing a program control device for controlling at least one of the following devices present in the water-bearing domestic appliance: a water supply and outlet device, a heating device, and a drive device; the program control device and also controlling water temperature;
- determining whether an initial switch-on condition within the water-bearing domestic cleaning appliance exists, the initial switch-on condition being caused by at least one of an initial post-installation

activation of the water-bearing domestic cleaning appliance and a user-activated self-cleaning program setting, and, if such an initial switch-on condition exists, and

- operating, under the control of the program control device in furtherance of a self-cleaning program, at least one of the water supply, the discharge, the water level, the driving speed, the duration of the drive control within at least one program section, and the duration of at least one program section all components coming into contact with water during article cleaning operation are wetted with at least one of water and cleaning solution.

Independent Claim 21 recites a water-bearing domestic cleaning appliance including a program control device which generates control signals for at least one of a water supply and outlet device, a heater and a drive device such that at least one of the water supply, discharge, water level, the temperature, the driving speed and at least one of the duration of the drive control within at least one program section and the duration of at least one program section are variable. The program control device is configured for recognizing an initial switch-on condition within the water-bearing domestic cleaning appliance, with the initial switch-on condition being caused by at least one of an initial post-installation activation of the water-bearing domestic cleaning appliance and a user-activated self-cleaning program setting. The program control device is configured for issuing a prompt for carrying out the program for cleaning the components coming into contact with water during article-cleaning operation. The program control device controls at least one of a water supply and outlet device, a heating device, and a drive device; controls temperature; controls the following devices and measures such that in a program for cleaning components whose program run consists of a washing program section and a rinsing program section, wherein all components coming into contact with water during proper

operation are wetted with at least one of water and cleaning solution in this program section: at least one of the water supply, the discharge, the water level, the driving speed, the duration of the drive control within at least one program section, and the duration of at least one program section; and recognizes an initial switch-on condition within the water-bearing domestic cleaning appliance, the initial switch-on condition being caused by at least one of an initial post-installation activation of the water-bearing domestic cleaning appliance and a user-activated self-cleaning program setting, and thereupon issues a prompt for carrying out a program for cleaning the components.

Remmert '282 discloses a program control washer dryer with a suds container for washing clothes (p. 2., lines 1-2). Remmert '282 washer dryer includes a suds container in which a drum is supported in a manner where it can rotate under the influence of a drive motor. A microprocessor regulates the motor RPM via program control. For drying, heated air is introduced into the area of the door. scooping ribs are located on the drum jacket and are used to improve the wetting of the clothes in the various washing programs (p. 3, lines 14-22). The washer/dryer has an operating field where the first rotary dial with which the washing program can be set according to the type of clothes and the temperature. Moreover, special programs are run automatically such as starch, spin, pump and remove lint balls and can be selected with the rotary dial. The rotary dial is used to set drying programs, arranged and according to the types of clothing and degree of dryness. With buttons, it is possible to set additional functions such as prewashing, softening, gentle cycle, water plus, drying/temperature low, and further including revolutions per minute and a preliminary starting selection. (p. 4, lines 1-7). Nothing in Remmert '282 discloses any initial switched on condition or any special program for washing the inner components of the washer dryer absent any article washing function.

Blair '511 discloses system for operating and programming a laundry appliance. As seen in Figures 2, 3A, 3B, 4-7 and 8A – 8C, a screen is provided to give user tips and present a control panel for the user regarding the laundry device of Blair '511. As referenced by the Official Action, paragraph 25 notes that upon activating the washing machine 1 a user is presented with a screen display 100 as seen in figure 3. As shown, the screen 100 preferably presents various operating options for the washing appliance 1. With the screen 100 display, the user can select a desired operating command, preferably by touching a portion of the display 10 in which a keyword is indicated. As shown the user can select "hints and tips, select "cycle", "help", or "quit" options.

It is apparent that the Blair '511 washer provides the user with various options upon initiating the activation of the washing appliance. However, Blair '511 does not provide a program device or any other apparatus which can recognize an initial switch-on condition after manufacture or offers the user a program that simulates the initial switch-on condition after manufacture for self-cleaning of certain components within the washer that come into contact with water during article cleaning operation of the washing appliance. Such a structure is neither taught nor suggested by Blair '511. Accordingly, since Remmert '282 and Blair '511, taken singly or in combination do not disclose the structure and method steps in association with the structure of the present invention as claimed, the rejection under 35 USC §103 should be reversed.

For these and other reasons, Remmert '282 and Blair '511, either alone or in combination, do not teach or suggest the subject matter defined by independent Claim 21. Therefore, Claim 21 is allowable. Claim 22 depends from Claim 21 and is allowable for the same reasons and also because additional patentable subject matter is recited.

New independent Claim 23 recites a water-bearing domestic cleaning appliance having at least some internal components thereof that come into contact with water during article-cleaning operation of the water-bearing domestic cleaning appliance. The water-bearing domestic cleaning appliance includes a program control device for controlling operation of the water-bearing domestic cleaning appliance according to a preprogrammed set of operational commands. The program control device also determines whether an initial switch-on condition exists within the water-bearing domestic cleaning appliance, the initial switch-on condition being caused by at least one of an initial post-installation activation of the water-bearing domestic cleaning appliance and a user-activated self-cleaning program setting. The program control device is configured for determining whether the initial switch-on condition exists within the water-bearing domestic cleaning appliance exists, and, upon such a determination, controlling the program control device to cause the program control device to execute at least one of a washing program section and a rinsing program section, including controlling at least one of overall water level, at least one of a driving speed and a duration of the drive control within at the least one washing program section and rinsing program section; and the duration of the at least one washing program section and rinsing program section being such that all components coming into contact with water during article-cleaning operation are wetted with at least one of water and cleaning solution.

The prior art, particularly Remmert '282 and Blair '511 do not disclose a water-bearing domestic cleaning appliance as recited in Claim 23. More specifically, the prior art does not disclose, among other things, controlling the program control device to cause the program control device to execute at least one of a washing program section and a rinsing program section, water supply and discharge including controlling at least one of overall water level, a driving

speed and a duration of the drive control within at the least one washing program section and rinsing program section; and the duration of the at least one washing program section and rinsing program section such that all components coming into contact with water during article-cleaning operation are wetted with at least one of water and cleaning solution.

Therefore, Applicant respectfully requests allowance of independent Claim 23.

**CONCLUSION**

In view of the above, entry of the present Amendment and allowance of Claims 12-18, 20-21 and 23 are respectfully requested. If the Examiner has any questions regarding this amendment, the Examiner is requested to contact the undersigned. If an extension of time for this paper is required, petition for extension is herewith made.

Respectfully submitted,



Russell W. Warnock

Registration No. 32,860

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BSH Home Appliances Corporation  
100 Bosch Blvd.  
New Bern, NC 28562  
Phone: 252-672-7927  
Fax: 714-845-2807  
russ.warnock@bshg.com